

IN RE: APPEAL OF TIMOTHY MEDIANICK ON BEHALF OF BOULEVARD DENTAL ASSOCIATES, P.C., RELATIVE TO A PROPERTY LOCATED AT 430 KENHORST BOULEVARD, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2019-09 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 12th day of June, 2019, a hearing having been held on May 8, 2019, upon the application of Timothy Medianick on behalf of Boulevard Dental Associates, P.C., notice of such hearing having first been sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

FINDINGS OF FACT

The Zoning Board finds the following facts:

1. The Applicant is Timothy Medianick on behalf of Boulevard Dental Associates, P.C., with a principal business address of 430 Kenhorst Boulevard, City of Reading, Berks County, Pennsylvania 19611 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the real property located at 430 Kenhorst Boulevard, City of Reading, Berks County, Pennsylvania 19611 (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, AT&T Realty, LLC, granted Applicant permission to seek the requested relief.
4. The Subject Property is located in the R-PO Residential-Professional Office Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
5. Testimony was presented by Applicant and Ashley Rassow from the sign design company.

6. Applicant seeks relief from certain signage regulations at the Subject Property pursuant to Sections 600-1704(1)(2)(3) and 600-1714(B-G) and 600-406(D) of the Zoning Ordinance.

7. Applicant seeks relief to place two (2) new building mounted signs and one (1) new free standing sign.

8. The free standing sign will be thirteen (13) square feet and the attached LED Board will be four (4) square feet.

9. The LED Board will only display static messages. Messages will change every two (2) minutes.

10. The building marked signs will be 5.64 square feet and 7.899 square feet.

11. Applicant testified the shallowness of the lot makes compliance with the Zoning Ordinance impossible.

12. The Zoning Administrator testified the Applicant must provide a lighting plan to comply with Section 600-912 of the Zoning Ordinance.

13. A neighboring property owner voiced their concerns about the signs impact upon their residence.

DISCUSSION

Applicant proposes to construct three (3) signs at the Subject Property. The Zoning Board finds two (2) signs will be in keeping with the spirit and intent of the Zoning Ordinance and will not be detrimental to the health, safety and welfare of the neighborhood or the zoning district subject to the conditions set forth in the Conclusions of Law.

CONCLUSIONS OF LAW

1. The Applicant is Timothy Medianick on behalf of Boulevard Dental Associates, P.C.

2. The Subject Property is located at 430 Kenhorst Boulevard, City of Reading, Berks County, Pennsylvania 19611.

3. The Subject Property is located in the R-PO Residential-Professional Office Zoning District.

4. Applicant seeks relief from the signage requirements set forth in the Zoning Ordinance.

5. The Zoning Board is permitted to grant applications for variances and/or special exceptions and to interpret the Zoning Ordinance.

6. In order to grant the requested relief and variance, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.

7. After reviewing the Applicant's request in detail, the Zoning Board enters the following decision:

a. Applicant is granted relief for the sign located near Kenhorst Boulevard and the sign next to the front door.

b. Applicant is denied relief for the sign at the top of the building on the Subject Property.

c. No zoning permit shall be issued until the conditions set forth at paragraph 7.d. and e. are satisfied.

d. Applicant shall provide a lighting plan demonstrating to the satisfaction of the Zoning Administrator that the site will comply with Section 600-912 prior to the issuance of a zoning permit.

e. Applicant shall comply with the relevant provisions of Section 600-1714 with respect to illumination and digital messaging.

f. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

g. Applicant may not use, expand, alter or otherwise use the Subject Property inconsistent with the contents of this Decision without making application requesting further relief from the Zoning Board.


h. Failure to comply with any of these conditions shall mean the immediate revocation of the relief granted herein.

The decision of this Board is by a vote of 3 to 0.

ZONING HEARING BOARD OF THE CITY OF
READING



PHILIP RABENA, CHAIRMAN



THOMAS FOX



JEFFEREY GATTONE

WILLIAM HARST